

CF (100) 4

(1) Single Bench
IN THE COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

WRIT PETITION NO. 4996/2004

PETITIONER

✓ **HRIDAY NARAYAN SINGH**

Aged about 42 yrs.

S/o. Late Shive Vachan Singh,

Warder (Prahari), Mini Jail,

Pendra Road,

R/o. Jail Line Pendra Road,

Tah. Pendra Road,

Distt. BILASPUR(C.G.)

P.R. No. 4286/04
Presented by Shri P. D. D. D.
dated 03/11/04

VERSUS

RESPONDENTS:

(1) **STATE OF CHHATTISGARH**

THROUGH- The Special Secretary
of Home affairs (Jail) Mantralay,

D.K.S. Bhawan RAIPUR (C.G.)

(2) **THE DIRECTOR GENERAL
OF POLICE & INSPECTOR**

GENERAL OF JAILS

CHHATTISGARH, OFFICE AT

RAIPUR, Tah. & Distt. Raipur (C.G.)

(3) **PERSONNEL SECRETARY**

HOME MINISTER

(Chhattisgarh)

D.K.S. Bhawan, RAIPUR, Tah. &

Distt. Raipur (C.G.)

(4) **THE SUPRINTENDENT OF**

JAIL CENTRAL JAIL

BILASPUR

Tah. & Distt. Bilaspur (C.G.)

3.11.04
Shri P. D. D. D.

Deleted with
order dated
11-4-05.
Anant Bapna
adv.

3

(2)

(5) THE SUPERINTENDENT OF
JAIL CENTRAL JAIL

JAGDALPUR

Tah. & Distt. Jagdalpur (C.G.)

(6) SUPERINTENDENT MINI

JAIL SUKMA, Tah. Sukma

Distt. Jagdalpur (C.G.)

(7) SHRI GHANSHYAM

PRASAD GHOSLE,

Warder (Prahri)

Mini Jail Pendra Road, Jail Line

Pendra Road, Distt. Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA - FOR ISSUANCE OF AN
APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/
CERTIORARI ETC. OF DIRECTION(S) / ORDER (S)
IN THE LIKE NATURE ETC.

43

आदेश पत्रक

मामला क्रमांक W.P. 4996 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	12/04/2005: - Heard Shri Anant Bajpai, learned counsel for the petitioner and Shri S.S.Agrawal, learned Panel Lawyer, for the State / Respondents 1, 2, 4, 5 & 6, on I.A.No.1075/2005 filed for deleting the name of respondent No.3 from the array of respondent. The application is allowed. Counsel for the petitioner is directed to delete the name of respondent No.3 from the array of respondent. Also heard on I.A.No.396/2005 filed for taking subsequent events on record. The application is allowed. The petitioner who is working as a Warder (Jail Prahari) in Sub-Jail, Pendra Road under Central Jail, Bilaspur, by this petition under Article 226/227 of the Constitution of India has questioned the legality and propriety of the order dated 11.08.2004 whereby he has been transferred from Sub-Jail, Pendra Road to Sub-Jail, Sukma under Central Jail, Jagdalpur. The case of the petitioner is that the petitioner was transferred from Sub-Jail, Bemetara to Sub-Jail, Pendra Road, by mutual consent vide order dated 06.01.1999 under Annexure P-2 and since then the petitioner is working as Warder at Sub-Jail, Pendra Road. However, respondent No.1 by an order dated 11.08.2004 transferred the petitioner from Sub-Jail, Pendra Road to Sub-Jail, Sukma under Jagdalpur Circle without his consent and the same is contrary to the provisions of sub-Rule (2) of Rule 208 of the Chhattisgarh Jail Manual. I have heard learned counsel appearing for the parties.	

(44)

आदेश पत्रक

मामला क्रमांक W.P. 4996 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Sub-rule(2) of Rule 208 of the Chhattisgarh Jail Manual envisages that the transfer of a warder cannot be made from one circle to another circle except under the special circumstances and such transfer can be made only after the consent of both the wafders and also with the consent of the Jail Superintendent of the main jail. But the transfer of the petitioner has been made contrary to the above provisions which is not permissible under the law. Learned counsel appearing for the petitioner submits that the petitioner may be allowed to make a detailed representation to respondent No.2 raising all his grievances and respondent No. 2 may be directed to decide the representation within another two weeks from the date of the receipt of the representation considering that the transfer of the petitioner is in violation of Sub-rule (2) of Rule 208. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation to respondent No. 2 within 10 days from today raising all his grievances and respondent No. 2, in turn, is directed to consider and decide the same within a period of two weeks from the date of receipt of the representation in an objective manner taking into consideration Sub-rule (2) of Rule 208 of the Chhattisgarh Jail Manual. During the course of argument, learned counsel for the petitioner submits that even though the petitioner has been relieved from sub-jail, Pendra Road but he has not joined at his new place as his transfer is totally in violation of Sub-rule (2) of Rule 208 of the Chhattisgarh Jail Manual. Respondent No. 2 is directed to consider this aspect also and	

(पीछे देखिये)

आदेश पत्रक

मामला क्रमांक W.P...4.9.9.6... सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	for this period the petitioner may make an application for sanction of leave admissible to the petitioner. With the above directions, the petition stands disposed of. Consequently, M.(W).P.No. 5239 of 2004, I.A.No. 9870 of 2004 and I.A.No.9871 of 2004 stand disposed of.	Sd/- L.C.BHADOO Judge

Brajesh

(पीछे देखिये)

18.05.05